

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

FILED

IN RE: **SHAWN A. OVERTON**
Arkansas Bar ID # 2000120
CPC Docket No. 2008-078

DEC 12 2008

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by self-referral. On December 11, 2007, Shawn A. Overton, a Captain with the Judge Advocate General's Corps, self-reported to the Office of Professional Conduct (OPC) that the Department of the Army had charged him with adultery, dereliction of duty, and false official statement under an Article 15, Non-Judicial Punishment. On June 17, 2008, the Department of the Army notified OPC of the same. The findings of the Army investigation were that (1) Overton engaged in sexual relations with his legal assistance client; (2) Overton's conduct reflected adversely on his honesty, trustworthiness or fitness; and (3) Overton knowingly made false official statements. The Department of the Army issued Overton a Reprimand, suspended him from performing Judge Advocate duties, revoked his 27(b)(2) certification, which allowed him detail as trial or defense counsel for general or special courts-martial, and indefinitely suspended him from practice in Army courts-martial and in the U.S. Army Court of Criminal Appeals, even as a civilian attorney. The Department of the Army has also recommended Overton's military separation.

In September 2008, Mr. Overton was served with a formal complaint. Following his receipt of the formal complaint, Mr. Overton entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by Mr. Overton, the terms of the

written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Overton's conduct violated Rule 1.8(j) in that he engaged in conduct prohibited by the rules of professional conduct by having sexual relations with a legal assistance client when no consensual sexual relationship existed prior to the client-lawyer relationship. Rule 1.8(j) requires that a lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.

B. Mr. Overton's conduct violated Rule 8.4(c) in that, when asked about the circumstances surrounding his relationship with a legal assistance client, he knowingly and falsely gave false official statements. Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **SHAWN A. OVERTON**, Arkansas Bar ID# 2000120, be, and hereby is, **REPRIMANDED** for his conduct in this matter, and he is ordered to pay \$50.00 Committee case costs, payable by cashier's check or money order to the "Clerk, Arkansas Supreme Court" and delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: Valerie L. Kelly
Valerie Kelly, Chairperson

Date: December 12, 2008